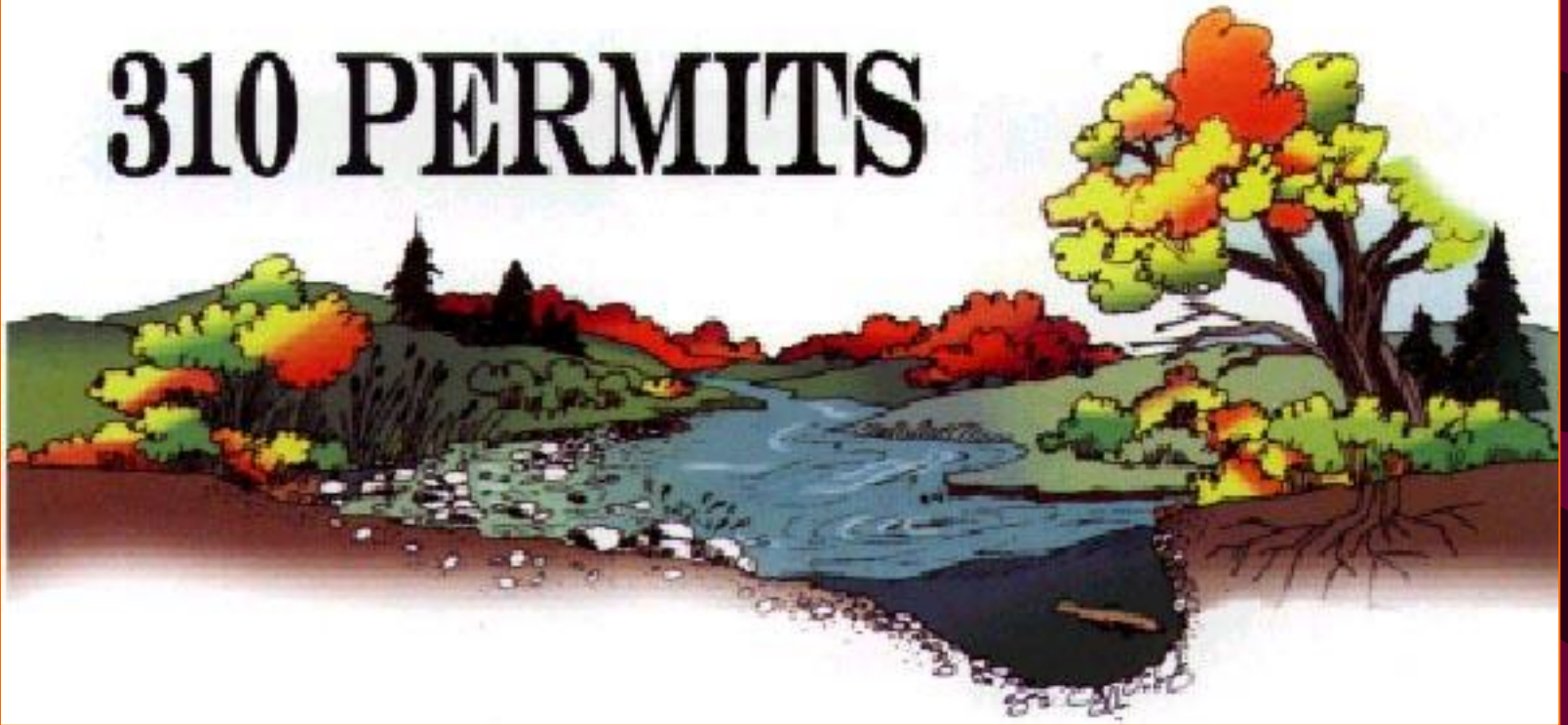


# 310 PERMITS



[www.dnrc.mt.gov/licenses-and-permits/stream-permitting](http://www.dnrc.mt.gov/licenses-and-permits/stream-permitting)

# 1975 Natural Streambed and Land Preservation Act (310 Law)

- **It is the policy of the State of Montana that its natural rivers and streams and the lands and property immediately adjacent to them within the state are to be protected and preserved to be available in their natural or existing state and to prohibit unauthorized projects and in so doing to keep soil erosion and sedimentation to a minimum, except as may be necessary and appropriate after due consideration of all factors involved.**

# Natural Streambed and Land Preservation Act Cont.

- **Further, it is the policy of this state to recognize the needs of irrigation and agricultural use of the rivers and streams of the State of Montana and to protect the use of water for any useful or beneficial purpose as guaranteed by the Constitution of the State of Montana.**

# Purpose of the 310 Law

- To protect and preserve streams and rivers in their natural or existing state.
- Minimize soil erosion and sedimentation.

# Who Administers the Law?

- The Local Conservation District (CD) Board For Which a Project is Being Proposed.

# Six Criteria

1. Effects of soil erosion and sedimentation:
2. Risk of flooding or erosion problems upstream or downstream:
3. Effects of stream channel alterations:
4. Effects of stream flow, turbidity, or water quality caused by materials used or by removal of ground cover:
5. Effects on fish and aquatic habitat:
6. Are there reasonable alternatives to reduce disturbance to stream or better accomplish the purpose of the Project?

**Note: Do Not Design The Applicants Project**

# **Definition of a “Stream”:**

- **Means, any natural perennial-flowing stream, or river, its bed, and immediate banks, and its channels and includes the entire stream from its mouth to its source even if portions go dry periodically.**

# Definition of a “Natural Perennial-Flowing Stream”:

- Means a stream which in the absence of diversion, impoundment, appropriation, or extreme drought, flows continuously at all seasons of the year and during dry as well as wet years.



# WHO MUST APPLY?

- **Any private, nongovernmental individual or entity that proposes to work in or near a stream on public or private land.**

# Activities Requiring a Permit & Definition of a Project:

**“Any activity that results in a change in the state of a natural perennial-flowing stream or river, its bed, or its immediate banks.”**

# **Project Examples:**

## **Bank Stabilization**

## **Stream Restoration**

## **Flood Protection**



**Before**



**After**

# Project Examples Cont.:

*Stream Crossings*

*Bridges*

*Culverts*

*Utilities*

*Fords*

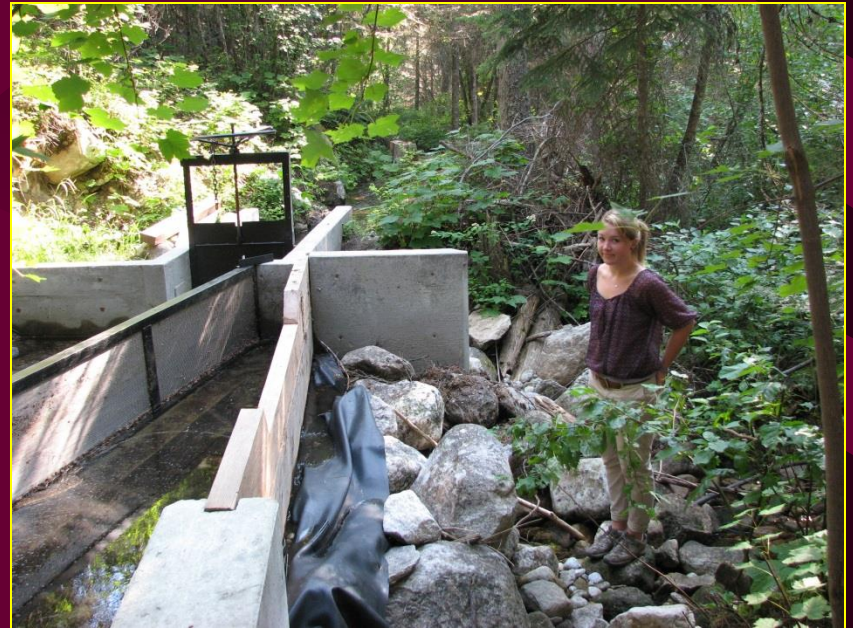




# Project Examples Cont.:



*Irrigation:*  
*Headgates*  
*Diversions*  
*Maintenance*



# What makes for a good application?

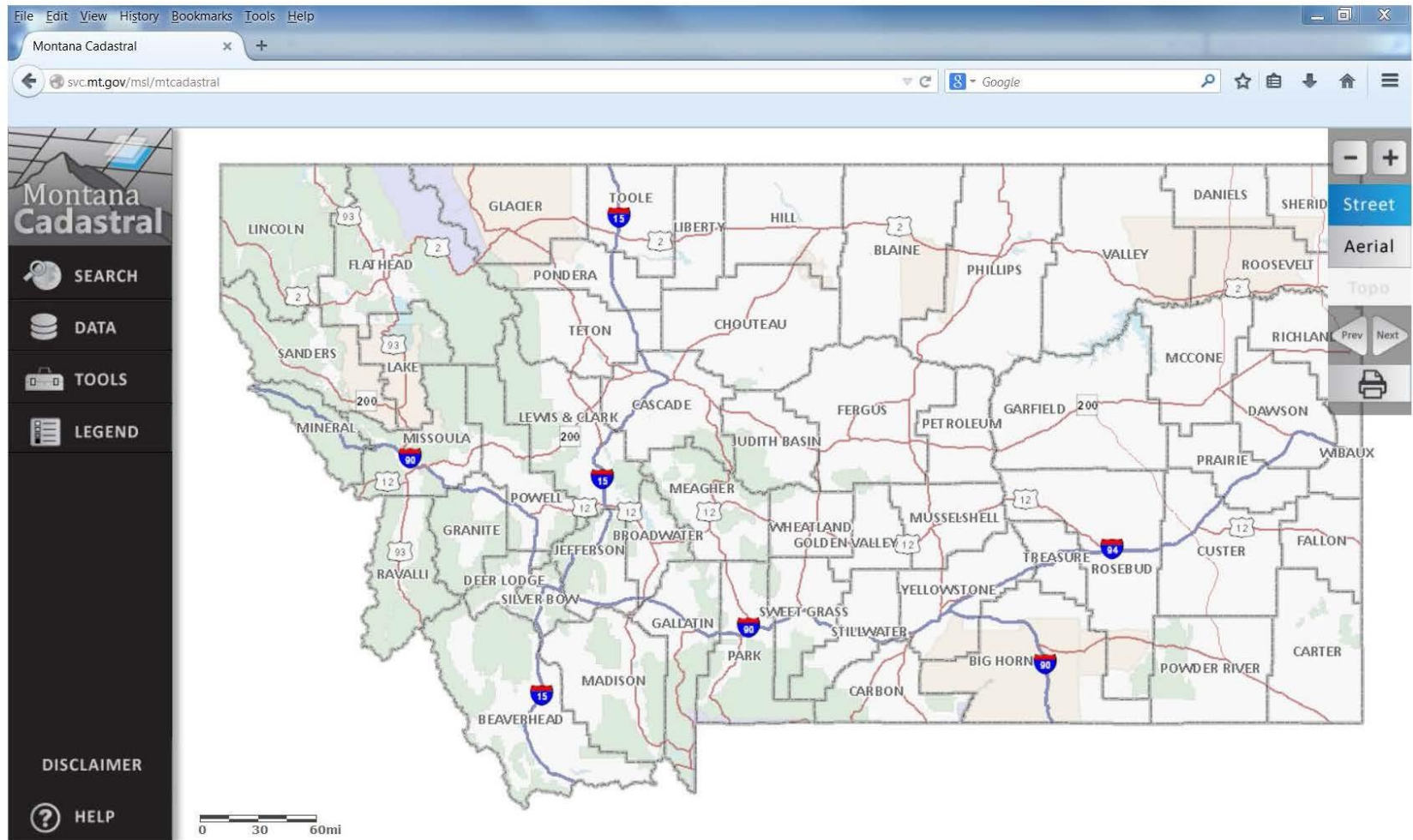
- Complete Applicant Information, Physical Address, Mailing Address, Phone Numbers and/or Email.
- Complete Project Site Information, Location, and Water Body Name.
- Complete Project Information Including Plans, Drawings and/or Design, Purpose, Materials, and Equipment.

# What Makes for a Good Application?

## Cont.

- **Note: mapping, aerial photos, and property legal descriptions, can be downloaded and/or reviewed and printed through Google Earth Pro or Montana Cadastral.**

# Montana Cadastral



<http://svc.mt.gov/msl/mtcadastral/>



# Typical 310 Application Timeline

1. Getting the Application in July
2. Inspection/Decision August
3. Issue Decision September

# Typical 310 Application Timeline July

- **July 1 Request for Application**
- **July 15 Deadline for Application**
- **July 16 Public Notice/Agenda\***
- **July 23 Application Review**
  - 1. Its Not A Project.**
  - 2. Set up or Waive Inspection.**

# JULY

			<b>1</b> Request	<b>2</b>	<b>3</b>	<b>4</b>
<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b> Deadline	<b>16</b> Agenda	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b> App. Review	<b>24</b>	<b>25</b>
<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	

# **Typical 310 Application Timeline August**

- **August 12 Inspection Based on Team Member Availability.**
- **August 27 Board Reviews Team Report.**
  - 1. Not A Project**
  - 2. Accept**
  - 3. Modify**
  - 4. Deny**
- **15-day Waiting Period-May Waive**

# August

						1
2	3	4	5	6	7	8
9	10	11	12 Inspect	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27 CD final Review	28	29
30	31					

# Typical 310 Application Timeline September

- September 18 Issue Permit.
- Applicant Returns Signed Copy-**Set Date**.

**Note: Applicant cannot start work before this date.**

# September

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18 Issue Permit	19
20	21	22	23	24	25	26
27	28	29	30			

# Typical 310 Application

Document, Document,  
Document!

1. Files
2. Field Reports
3. Correspondence
4. Minutes





# Completing A 310

- **Applicant is given a year to complete their project.**  
**(In some cases extensions are needed.)**
- **An applicant is required to submit written notification and photos to the Conservation District when they have completed their project.**

# 310 Follow-up

- **The Conservation District may request a follow-up inspection to verify the project was done in accordance to what was permitted.**
- **Written documentation of the follow up inspection should be attached to the original application and kept on file.**

# How To Deal With Violations:

- **Complainant Requests An Official Complaint Form From Their Local Conservation District.**
- **A Complaint Should Include The Location, Stream Name, Name of Alleged Violator and Alleged Violator's Contact Information (Address, Phone Number)**
- **Complaint's Name, Address, and Phone Number.**
- **Anonymous ???**

# How To Deal With Violations Cont.:

- **CD Requests and Performs an On-site Inspection.**
- **CD Documents Findings.**
- **If the Complaint is Valid. The CD Will Notify the Violator with Mitigation Requirements.**
- **If Violator Does Not Abide. The Violation is Turned Over to the County Attorney For the Assessment of Fines.**

# Violation Example:



# Violation Example Cont.:





# Violation Mitigation:





# Violation Mitigation Cont.:





# Emergency 310:

- **Definition of An Emergency 310 Means**  
“an unforeseen event or combination of circumstances that call for immediate action to safeguard life, including human or animal, or property, including growing crops without giving time for the deliberate exercise of judgment or discretion under the 310 law.

# Emergency 310 Cont.:

- Within 15-Days A Person Taking Emergency Action Must Notify Their Local Conservation District Using The Emergency Application Form.
- Onsite Review By Team Members (Applicant, FWP, CD Supervisor)
- District Will Approve, Modify, or Deny Emergency Action.
- Modifications and Denials Require A New 310 Application.

# Example of Emergency 310





# Example of Emergency 310





# Example of Emergency 310





# Example of Emergency 310

